

**OPINIONS AND DECLARATIONS  
RENDERED BY THE INTER-  
NATIONAL COMMISSION ON  
ZOOLOGICAL NOMENCLATURE**

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

**VOLUME 15. Part 23. Pp. 419—432**

**OPINION 457**

Validation under the Plenary Powers of the generic  
name *Hemiproche* Nitzsch, 1829 (Class Aves)

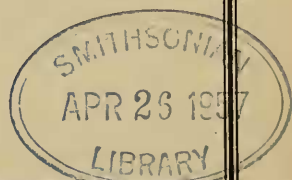
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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 457

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(*arranged in order of precedence by reference to date of election or of most recent re-election as prescribed by the International Congress of Zoology*)

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Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

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Professor ENRICO TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

## OPINION 457

### VALIDATION UNDER THE PLENARY POWERS OF THE GENERIC NAME "HEMIPROCNE" NITZSCH, 1829 (CLASS AVES)

**RULING :—**(1) Under the Plenary Powers (a) the generic name published in the nominative plural as *Hemiprocnes* Nitzsch in 1829 is hereby validated in the form *Hemiprocne* (Class Aves) and (b) the nominal species *Hirundo longipennis* Rafinesque, 1802, is hereby designated to be the type species of the genus so named.

(2) The under-mentioned generic names are hereby placed on the *Official List of Generic Names in Zoology* with the Name Numbers severally specified below :—

- (a) *Hemiprocne* Nitzsch, 1829, as emended from *Hemiprocnes*, and as validated, under the Plenary Powers in (1)(a) above (gender : feminine) (type species, by designation under the Plenary Powers in (1)(b) above : *Hirundo longipennis* Rafinesque, 1802) (Name No. 1068) ;
- (b) *Collocalia* Gray (G.R.), 1840 (gender : feminine) (type species, by original designation : *Hirundo esculenta* Linnaeus, 1758) (Name No. 1069) ;
- (c) *Streptoprocne* Oberholser, 1906 (gender : feminine) (type species, by original designation : *Hirundo zonaris* Shaw, 1796) (Name No. 1070).

(3) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Numbers severally specified below :—

- (a) *longipennis* Rafinesque, 1802, as published in the combination *Hirundo longipennis* (specific name of type species of *Hemiprocne* Nitzsch, 1829, as validated under the Plenary Powers in (1)(a) above) (Name No. 1145) ;
- (b) *esculenta* Linnaeus, 1758, as published in the combination *Hirundo esculenta* (specific name of type species of *Collocalia* Gray (G.R.), 1840) (Name No. 1146) ;
- (c) *zonaris* Shaw, 1796, as published in the combination *Hirundo zonaris* (specific name of type species of *Streptoprocne* Oberholser, 1906) (Name No. 1147)

(4) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Numbers severally specified below :—

- (a) *Hemiprocnes* Nitzsch, 1829 (an Invalid Original Spelling for *Hemiprocne*) (Name No. 861) ;
- (b) the under-mentioned names, each of which is a junior homonym of *Hemiprocne* (emend. of *Hemiprocnes*) Nitzsch, 1829, as validated under the Plenary Powers in (1)(a) above :—
  - (i) *Hemiprocne* Nitzsch, 1833 (Name No. 862) ;
  - (ii) *Hemiprocne* Riemann, 1838 (Name No. 863) ;
  - (iii) *Hemiprocne* Nitzsch, 1840 (Name No. 864) ;
- (c) *Macropteryx* Swainson, [1831] (a junior objective synonym of *Hemiprocne* Nitsch, 1829, as validated under the Plenary Powers in (1)(a) above) (Name No. 865).

(5) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name No. 146 :—

HEMIPROCNIDAE Oberholser, 1906 (type genus : *Hemiprocne* (emend. of *Hemiprocnes*) Nitzsch, 1829, as validated under the Plenary Powers in (1)(a) above).

## I. THE STATEMENT OF THE CASE

On 25th August 1952, Dr. John T. Zimmer (*The American Museum of Natural History, New York*) submitted a preliminary communication to the Office of the Commission on the subject of the possible validation as from Nitzsch, 1829, of the emended form *Hemiprocne* of the generic name then published in the nominative plural as *Hemiprocnes*. Following correspondence with the Secretary, Dr. Zimmer on 29th December 1954 submitted the following application on the above subject to the International Commission on Zoological Nomenclature :—

**Proposed use of the Plenary Powers to validate the generic name  
“ Hemiprocne ” as from Nitzsch, 1829 (Class Aves)**

By JOHN T. ZIMMER

(*The American Museum of Natural History, New York*)

The object of the present application is to seek from the International Commission a Ruling in regard to the application to be given to the generic name *Hemiprocne*, doubts on this subject having called in question the names properly applicable to three distinct genera of birds, namely the Whiskered Tree-swifts, the Edible-nest Swiftlets, and the Collared Swifts.

2. Up to 1906 the generic name *Hemiprocne* was commonly treated as having been first published by Nitzsch in 1840 and was used for the Collared Swifts, while the Whiskered Swifts were referred to the genus *Macropteryx* Swainson, [1831] (*Zool. Illustr.* (2) 2(11) : pl. 47) (type species, by monotypy : *Hirundo longipennis* Rafinesque, 1802, *Bull.*

*Sci. Soc. philomat. Paris* No. 68 : 153). In 1906, however, Oberholser (*Proc. biol. Soc. Wash.* 19 : 67—69) advanced the argument that the name *Hemiprocne* ought to be accepted as from Nitzsch, 1829 (*Observationes de Avium Arteria carotide communi* : 31), where, however, it had appeared only in the nominative plural as "*Hemiprocnes*". At that time there existed no clear provision in the *Règles* on the question whether, in order to be available, a generic name must actually have been published in the nominative singular and Oberholser took the view that this was not an essential requirement, guiding himself in this matter by Canon VI of the Code of Nomenclature of the American Ornithologists' Union which accepted such plural usage as valid and provided (in the attendant remarks) for change to the required nominative singular. From the species cited by Nitzsch in 1829 for his "*Hemiprocnes*" Oberholser selected *Hirundo longipennis* Rafinesque, 1802 (cited by Nitzsch as "*Cypselus longipennis* Temminck") as type species. Under this arrangement the name *Hemiprocne* (emend. of *Hemiprocnes*) Nitzsch, 1829, became the oldest available name for the Whiskered Tree-swifts, the name previously used, *Macropteryx* Swainson, [1832], falling as a junior synonym. The removal of the name *Hemiprocne* from the Collared Swifts left that genus without a name. Oberholser accordingly published the new name *Streptoprocne* Oberholser, 1906 (*Proc. biol. Soc. Wash.* 19 : 69) for this genus, designating *Hirundo zonaris* Shaw, 1796 (in Miller, *Cimelia physica* : 100) as type species.

3. Oberholser's arrangement came into general use, but has been found to be incorrect under the *Règles* on the basis of *Opinion* 183 (1944, *Ops. Decls. int. Comm. zool. Nomencl.* 3 : 13—24), which ruled that a generic name does not acquire a status of availability until it is published in the nominative singular. It is necessary therefore to examine the later literature for the purpose of determining as from what date and in what sense the generic name *Hemiprocne* was first validly published.

4. The first use of the name *Hemiprocne* subsequent to 1829 is also very questionable in character, though for different reasons. This was by Nitzsch (1833, *Pterylographia Avium* (1) : 21) who gave anatomical characters for a number of genera, including *Hemiprocne*, but did not cite any one character as distinguishing *Hemiprocne* from the other genera cited. Whether or not such indiscriminating treatment can properly be accepted as providing for the generic name *Hemiprocne* an "indication" as required by Proviso (a) to Article 25 of the *Règles* is a matter which can be settled only by the Commission. The name *Hemiprocne* as of Nitzsch, 1833, has generally been treated by subsequent authors as a *nomen nudum*, though, as Nitzsch gave characters jointly for this and other genera, it is not an absolute *nomen nudum*, though a virtual one. If this generic name were to be ruled available as from Nitzsch, 1833, for which no type selection has ever been made,

it would be possible to select a type species which would be in harmony with existing usage.

5. The name *Hemiprocne* was next used in 1838 (*Leitfaden für Realschulen und Gymnasien* : 34) when Riemann applied it to a single species "*H. esculenta*, die indianische Schwalbe". By this action the nominal species *Hirundo esculenta* Linnaeus, 1758 (*Syst. Nat.* (ed. 10) 1 : 191) became the type species, by monotypy, of the genus *Hemiprocne*, if Riemann is treated as the first author validly to publish this generic name. On this basis the name *Hemiprocne* would become the oldest available generic name for the Edible-nest Swiftlets and would replace the name *Collocalia* Gray (G.R.), 1840 (*List Gen. Birds* : 8), of which also *Hirundo esculenta* Linnaeus, 1758, is type species by monotypy.

6. In 1840 (*System der Pterylographie* : 31, 123) Nitzsch again used the generic name *Hemiprocne*, on this occasion in acceptable form. He cited two species as belonging to this genus. One of these species, then cited as "*Hirundo collaris* Temm." (i.e. *Hirundo collaris* Wied, 1820 *Reise nach Brasilien* 1 : 75) was selected by Gray (G.R.), 1855 (*Cat. Gen. Subgen. Birds* : 12) as the type species of the genus *Hemiprocne* Nitzsch, 1840. If this usage of *Hemiprocne* were to be accepted, that generic name would become the oldest available generic name for the Collared Swifts and would replace the substitute name *Streptoprocne* published by Oberholser in 1906 (see paragraph 2 above) ; for *Hirundo zonaris* Shaw, 1796, the type species of *Streptoprocne* Oberholser, is considered to be the same species as *Hirundo collaris* Wied, the type species of *Hemiprocne* Nitzsch, 1840.

7. Oberholser (1906, *Proc. biol. Soc. Wash.* 19 : 68) proposed the family name HEMIPROCNIIDAE to replace the then current MACROPTERYGIDAE, basing the name on *Hemiprocne* (emend. of *Hemiprocnes*) of Nitzsch, 1829. HEMIPROCNIIDAE thereupon came into general usage and is still current. Any change in the present application of the name *Hemiprocne* would, therefore, present an added source of confusion in family names. I can find no family names based on usages of *Hemiprocne* subsequent to 1829 which are herein proposed as *nomina rejecta*. The other two genera of swifts involved in the present petition belong to the family APODIDAE and their current generic names have had no family names based thereon as far as I can determine.

8. I have discussed the details of the present proposals with Dr. Dean Amadon of this Museum who agrees with the need for action and the solution advanced.

9. Under strict application of the *Règles*, except for the complication offered by the 1833 reference (paragraph 4 above), it appears that the name *Hemiprocne* must be credited to Riemann (1838) and replace

the name *Collocalia* for the Edible-nest Swiftlets, while the Whiskered Tree-swifts, now known as *Hemiprocne* would revert to the name *Macropteryx*, by which they were known prior to Oberholser's paper of 1906. If the Riemann (1838) usage as well as the earlier usages by Nitzsch were to be officially rejected, the name *Hemiprocne*, ranking from Nitzsch (1840) would replace *Streptoprocne* for the Collared Swifts, *Macropteryx* would become the name for the Whiskered Tree-swifts, and the Edible-nest Swiftlets would retain the name *Collocalia*. If however the Commission were to validate the name *Hemiprocne* as from Nitzsch (1829), that name would become the valid name for the Whiskered Tree-swifts, and the Edible-nest Swiftlets and the Collared Swifts would retain the names (*Collocalia* and *Streptoprocne*) by which they are currently known. In the interests of stability this is the course which I recommend the Commission to take. Such action would moreover be in harmony with the general principle laid down by the Commission that it is particularly desirable to prevent the changing of names as the result of changes in, or of new interpretations of, the *Règles*, for in the present case it was only the interpretation of Article 8 given in *Opinion* 183 (paragraph 3 above) which led to the displacement of the name *Hemiprocne* Nitzsch as the generic name for the Whiskered Tree-swifts.

10. The International Commission on Zoological Nomenclature is accordingly asked :—

- (1) to use its Plenary Powers to validate in the form *Hemiprocne* the generic name published in the nominative plural as *Hemiprocnes* by Nitzsch in 1829 with *Hirundo longipennis* Rafinesque, 1802, as type species ;
- (2) to place the under-mentioned generic names on the *Official List of Generic Names in Zoology* :—
  - (a) *Hemiprocne* (emend. of *Hemiprocnes*) Nitzsch, 1829, as validated under the Plenary Powers under (1) above (gender : feminine) (type species, by designation under the Plenary Powers under (1) above : *Hirundo longipennis* Rafinesque, 1802) ;
  - (b) *Collocalia* Gray (G.R.), 1840 (gender : feminine) (type species, by original designation : *Hirundo esculenta* Linnaeus, 1758) ;
  - (c) *Streptoprocne* Oberholser, 1906 (gender : feminine) (type species, by original designation : *Hirundo zonaris* Shaw, 1796) ;
- (3) to place the under-mentioned generic names on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—
  - (a) *Hemiprocnes* Nitzsch, 1829 (an Invalid Original Spelling of *Hemiprocne*) ;



- (b) the under-mentioned names, each of which is a junior homonym of *Hemiprocne* (emend. of *Hemiprocnes*) Nitzsch, 1829, as validated under the Plenary Powers under (1) above :—(i) *Hemiprocne* Nitzsch, 1833 ; (ii) *Hemiprocne* Riemann, 1838 ; (iii) *Hemiprocne* Nitzsch, 1840 ;
- (c) *Macropteryx* Swainson, [1831] (a junior objective synonym of *Hemiprocne* Nitzsch, 1829, as validated under the Plenary Powers under (1) above) ;
- (4) to place the under-mentioned specific names on the *Official List of Specific Names in Zoology* :—
- (a) *longipennis* Rafinesque, 1802, as published in the combination *Hirundo longipennis* (specific name of type species of *Hemiprocne* Nitzsche, 1829) ;
- (b) *esculenta* Linnaeus, 1758, as published in the combination *Hirundo esculenta* (specific name of type species of *Collocalia* Gray (G.R.), 1840) ;
- (c) *zonaris* Shaw, 1796, as published in the combination *Hirundo zonaris* (specific name of type species of *Streptoprocne* Oberholser, 1906).
- (5) to place the under-mentioned family-group name on the *Official List of Family-Group Names in Zoology* : HEMIPROCNIDAE Oberholser, 1906 (type genus : *Hemiprocne* Nitzsch, 1829).

## II. THE SUBSEQUENT HISTORY OF THE CASE

**2. Registration of the present application :** Upon the receipt of Dr. Zimmer's application the question of the validation under the Plenary Powers of the generic name *Hemiprocne* as from Nitzsch, 1829, was allotted the Registered No. Z.N.(S.) 709.

**3. Publication of the present application :** The present application was sent to the printer on 19th January 1955 and was published on 31st May in the same year in Part 5 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Zimmer, 1955, *Bull. zool. Nomencl.* **11** : 142—145).

**4. Issue of Public Notices :** Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 31st May 1955 (a) in Part 5 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Dr. Zimmer's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to four general zoological serial publications and to thirteen ornithological serials in different parts of the world.

**5. Support received from Dr. Dean Amadon (The American Museum of Natural History, New York) :** Prior to the submission of the present application Dr. Dean Amadon (*The American Museum of Natural History, New York*) intimated his support for the action proposed in the present case and authorised Dr. Zimmer to include a note to this effect in the application (paragraph 8) submitted to the International Commission.

**6. No objection received :** No objection to the action proposed in the present case was received from any source.

### III. THE DECISION OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

**7. Issue of Voting Paper V.P.(56)6 :** On 29th February 1956 a Voting Paper (V.P.(56)6) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the generic name *Hemiprocne* Nitzsch, 1829, as set out in Points (1) to (5) in paragraph 10 at the foot of page 144 and continued on page 145 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

**8. Bearing on the present case of Decisions 78 and 79 taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953, in regard to the formation and correction of generic names :**  
 On 13th March 1956, Mr. Hemming, as Secretary, placed on Commission File Z.N.(S.) 709 the following Minute on the subject of the bearing which a minor inconsistency between Decision 78 and Decision 79 of the Fourteenth International Congress of Zoology, Copenhagen, 1953 would have had upon the present case if it had not been for the fact that in the application submitted Dr. Zimmer had asked that the object which he sought should be secured by the use by the International Commission under its Plenary Powers :—

**An apparent inconsistency between Decisions 78 and 79 taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953, in regard to the formation of generic names**

By FRANCIS HEMMING, C.M.G., C.B.E.

(*Secretary to the International Commission on Zoological Nomenclature*)

Two members of the International Commission (Professor J. Chester Bradley ; Mr. P. C. Sylvester-Bradley) have drawn my attention, with reference to Dr. John T. Zimmer's application regarding the generic name *Hemiprocne* as published by Nitzsch in 1829 in the nominative plural as *Hemiprocnes*, to an apparent inconsistency between Decisions 78 and 79 taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953 (1953, *Copenhagen Decisions zool. Nomencl.* : 47—48) which will require to be considered by the Fifteenth International Congress of Zoology when it meets in London in 1958. In the first of these decisions the Copenhagen Congress reaffirmed without discussion a decision taken by the Thirteenth Congress in Paris in 1948 that the Ruling given in *Opinion* 183 that, in order to acquire availability, a generic name must first be published in the nominative singular should be incorporated in the *Règles* (1950, *Bull. zool. Nomencl.* 4 : 139—140). Under the decision so taken the foregoing provision adopted by the Paris Congress was included both by that Congress and by the Copenhagen Congress among the mandatory provisions of Article 8. Under the second of the Decisions referred to above (Decision 79) the Copenhagen Congress inserted in the *Règles* a provision under which any breaches of the mandatory provisions in Article 8 became subject to automatic correction. So far as concerns the mandatory provision embodying the Ruling originally given in *Opinion* 183. Decision 79 prescribing automatic correction is incapable of application in many cases, for, as is obvious, it is impossible in many cases to

determine what is the correct form for the nominative singular of a Latin noun if the only evidence available is a version of that word in some other case or number. The fact that Decision 79 was so drafted as to bring within its scope the portion of Decision 78 dealing with the foregoing matter was due solely to inadvertence.

2. The case raised by Dr. Zimmer illustrates very clearly the impossibility in certain cases of applying Copenhagen Decision 79 to the provision discussed above, for mere inspection of the nominative plural *Hemiprocnēs* published by Nitzsch in 1829 would not be sufficient to establish beyond question that the nominative singular intended by Nitzsch was *Hemiprocnē*, even though it might establish a high degree of probability that this was Nitzsch's intention.

3. Fortunately, the inconsistency in the record of the Copenhagen Decisions discussed in paragraph 1 above does not affect the particular case under consideration, for in his application Dr. Zimmer asked that the object which he sought should be attained by the use by the Commission of its Plenary Powers. In the present case therefore the question discussed above is of academic interest only.

**9. The Prescribed Voting Period :** As Voting Paper V.P.(56)6 was issued under the Three-Month Rule, the Prescribed Voting Period closed on 29th May 1956.

**10. Particulars of the Voting on Voting Paper V.P.(56)6 :** At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(56)6 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Sylvester-Bradley ; do Amaral ; Bradley (J. C.) ;  
 Hering ; Lemche ; Vokes ; Mayr ; Key ; Dymond ;  
 Bodenheimer ; Mertens ; Esaki ; Boschma ; Hankó ;  
 Riley ; Stoll ; Hemming ; Cabrera ; Tortonese ; Bonnet ;  
 Kühnelt ; Miller ; Jaczewski ;

(b) *Negative Votes, one (1) :*

Prantl ;

(c) *Voting Papers not returned* :

None.

**11. Declaration of Result of Vote :** On 30th May 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(56)6, signed a Certificate that the Votes cast were as set out in paragraph 10 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

**12. Preparation of the Ruling given in the present "Opinion" :** On 28th November 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(56)6.

**13. Original References :** The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

*Collocalia* Gray (G.R.), 1840, *List Gen. Birds* : 8

*esculenta*, *Hirundo*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 191

*Hemiprocne* (emend. of *Hemiprocnes*) Nitzsch, 1829, *Observat. Avium Arteria carot. communi* : 31

*Hemiprocne* Nitzsch, 1833, *Pterylographia Avium* (1) : 21

*Hemiprocne* Riemann, 1838, *Leitfaden f. Realschul. u. Gymnas.* : 34

*Hemiprocne* Nitzsch, 1840, *Syst. Pterylograph* : 31, 123

*Hemiprocnes* Nitzsch, 1829 [an Invalid Original Spelling for *Hemiprocne*, q.v.]

*longipennis*, *Hirundo*, Rafinesque, 1802, *Bull. Soc. Sci. philomat Paris* No. **68** : 153

*Macropteryx* Swainson, [1831], *Zool. Illustr.* (2) 2(11) : pl. 47  
*Streptoprocne* Oberholser, 1906, *Proc. biol. Soc. Wash.* 19 : 69  
*zonaris*, *Hirundo*, Shaw, 1796, in Miller, *Cimelia physica* : 100

14. The following is the original reference for the family-group name placed on the *Official List* of names for taxa of the family-group category by the Ruling given in the present *Opinion* :—

HEMIPROCNIDAE Oberholser, 1906, *Proc. biol. Soc. Wash.* 19 : 68

15. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

16. The present *Opinion* shall be known as *Opinion* Four Hundred and Fifty-Seven (457) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-eighth day of November, Nineteen Hundred and Fifty-six.

*Secretary to the International Commission  
on Zoological Nomenclature*

**FRANCIS HEMMING**